

When this bill was up for second reading the other day I took the liberty of suggesting that, because of circumstances beyond our control, it would be well at the next session to place the private broadcasters under a new board, of which the chairman of the Board of Governors would automatically become a member.

My real reason for speaking now is to explain why I intend to vote against the amendment. Incidentally, with all due respect to my personal friend, the leader opposite, I think a senator has every right, if he sees fit, to vote against a recommendation which comes from one of our committees. I am not a lawyer, and I do not have the knowledge which lawyers possess; however, I think that under this bill private stations have the same right of appeal to the Governor in Council as they would have under this proposed amendment.

Hon. Mr. Aseltine: No, no.

Hon. Mr. Turgeon: I have read the statute, and I think I understand it. Subsection 6 of section 7 would add a few adjectives which do not appear to vary the principle. The minister in charge of radio has the same responsibility under the present Act as he would have under the proposed amendment, namely, of automatically passing on to the private stations the information that comes to him from the Board of Governors when there is an order for cancellation. Therefore, I say that this proposed measure does not take away any right of appeal to the Governor in Council which private stations have enjoyed. A new, though limited right is provided—the right to appeal to the Exchequer Court on questions of law but not on questions of fact.

As I see it, the main point of our discussion is whether we are going to admit—and I am not prepared to admit it—that the Board of Governors of the C.B.C. is the proper body to supervise the administration of the private stations. I do not think it is. But if we change this proposed legislation, and broaden the rights that a private station faced with the cancellation of its licence may have, taking away the proposed right of appeal on questions of law, but adding a permission to appeal on questions of fact, those of us who desire to see the responsibility of supervision given to a different board might just as well desist from trying, because it would be unlikely that any further effort to improve the position of the private broadcasting stations would have much effect.

An Hon. Senator: Anyway, there will never be such a board.

Hon. Mr. Turgeon: Possibly that is so. I am not arguing, I am simply stating my

position and explaining why it is my intention to vote against this amendment.

Hon. A. K. Hugessen: I have only a few words to say, but I think I should first question the statement made by the honourable leader on the other side (Hon. Mr. Haig) that where a committee of this house reaches a conclusion the Senate, upon consideration of the report of the committee, is bound to adopt the report of that committee.

Hon. Mr. Haig: I did not say that. I said, on government legislation, introduced at the request of the government.

Hon. Mr. Hugessen: I am sorry I misunderstood my honourable friend. But I do affirm that this house has every right to consider in every way reports made by its committees, and that it is not necessarily bound by their reports, particularly where, as in this case, the report is not unanimous. The vote on this amendment was, I believe, eight in favour and five or six against.

My honourable friend from Toronto-Trinity (Hon. Mr. Roebuck) took a good deal of comfort from the fact that of the four lawyers who were members of that committee, three voted in favour of the amendment, and only one, who happens to be myself, voted against it. Well, upon that question I simply appeal to my friends from the province of Quebec, and ask if they will not agree with me that one lawyer from Montreal is always worth three lawyers from Toronto?

Some Hon. Senators: Oh, oh.

Hon. Mr. Hugessen: This is a very simple question. A good deal has been said this afternoon about the dreadfully arbitrary powers of the C.B.C. over the private stations. If honourable senators will read the amendments to the Canadian Broadcasting Act which are incorporated in this bill they will see that those amendments are full of additional safeguards against any arbitrary action by the C.B.C. Look, for instance, at subsection (8), a new provision, which states that the corporation—that is, the C.B.C.—before making or amending a regulation which affects private stations, must give notice of such intention in the *Canada Gazette* and give private stations a reasonable opportunity to be heard before such regulation or amendment comes into operation. That is an entirely new protection for private stations. Or take subsection (6). As it stood, that subsection gave the C.B.C. power to suspend the licence of a private station which violated the regulations. It did that, and nothing more. But subsection (6) as amended provides that in case of any alleged violation the corporation may, . . . "after notice has been given to the licensee of the alleged violation or non-observance and an opportunity afforded to the licensee to be heard"—